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10
11 **UNITED STATES DISTRICT COURT**
12
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 ROBERT HUNTER BIDEN, an
15 individual,

16 Plaintiff,

17 vs.

18 PATRICK M. BYRNE, an individual,

19 Defendant.

20 }
21 } **Case No.: 2:23-cv-09430-SVW-PD**
22 } **Judge: Honorable Stephen V.**
23 } **Wilson**
24 } **Courtroom: "10A"**

25 }
26 } **DEFENDANT'S TRIAL BRIEF ON**
27 } **PUNITIVE DAMAGES ISSUE AND**
28 } **REQUEST FOR JURY**
29 } **INSTRUCTION ON PUNITIVE**
30 } **DAMAGES ON DEFENDANT'S**
31 } **FINANCIAL CONDITION**
32 } **INCLUDING HIS NET WORTH**
33 } **AND NET INCOME**

34 }
35 } **Date: July 28, 2025**
36 } **Time: 1:30 p.m.**
37 } **Courtroom: "10A"**

1 **MEMORANDUM OF POINTS & AUTHORITIES**

2 **I. INTRODUCTION**

3 Defendant Patrick Byrne hereby submits his Trial Brief to the Court for its
4 consideration on the punitive damages issue with a request for a jury instruction
5 related to that issue:

6 **II LAW APPLICABLE TO PUNITIVE
7 DAMAGES CLAIM BY PLAINTIFF**

8 This is a diversity case. There is no federal question involved. The case
9 involves a claim for defamation and California law applies to the determination of
10 the issues of this case including the standards that the jury must consider to make
11 an award of punitive damages during the trial of this case. (*Erie R.R. Co. v.*
12 *Tompkins* (1938) 518 US 415, 427; *Hyan v. Hummer* (9th Cir. 2016) 825 F.3d
13 1043, 1046.)

14 Under California law, in determining the amount necessary to impose an
15 appropriate punitive amount, the jury must consider the wealth of the defendant in
16 setting the amount of the punitive damages award. (*Adams v. Murakami* (1991)
17 54 Cal.3d 105, 109-116.)

18 The plaintiff bears the burden of presenting evidence of the defendant's
19 financial condition to support a claim for punitive damages. (*Adams* supra at 119-
20 123) which includes not just the financial assets of the defendant but his liabilities
21 revenue and costs as well. (*Soto v. Borg-Warner Morse Tedc, Inc.* (2015) 239
22 Cal.App.4th 165, 195-196.) The plaintiff's burden of proof of showing the
23 financial condition of the Defendant is with clear and convincing evidence.
24 (*Kelley v. Fundomnate, Inc.* (CD Cal 2025) 773 F. Supp. 3d 899)

25 A punitive damages award must be reversed on appeal when Plaintiff fails
26 to present evidence of the Defendant's net worth during the trial of the case for
27 consideration by the jury in determining the amount of an award of punitive
28 damages against the defendant. (*Baxter v. Peterson* (2007) 150 Cal.App.4th 673,

1 680-681). Moreover, evidence of net income without evidence of the defendant's
2 assets and liabilities is also insufficient to support a claim for punitive damages
3 and must be overturned on appeal. (*Lara v. Cadag* (1993) 13 Cal.App.4th 1061,
4 1063-1066.) The inquiry regarding the financial condition of the defendant for a
5 jury to make an award of punitive damages is the examination of the financial
6 condition of the Defendant at the time of trial. (*Washington v. Farlice* (1991) 1
7 Cal.App.4th 766, 777.) A punitive damages award must be reversed by the court
8 of appeal if there is no sufficient admissible evidence of defendant's current
9 financial conditions. (*Farmers & Merchants Trust Co v. Vanetik* (2019) 33
10 Cal.App. 5th 638, 649-650.)

11 **III DEFENDANT IS ENTITLED TO A JURY TRIAL**
12 **ON THE PUNITIVE DAMAGES CLAIM BY PLAINTIFF WITH AN**
13 **APPROPRIATE JURY INSTRUCTION BASED ON ALL CALIFORNIA**
14 **LAW REQUIREMENTS THE JURY MUST FOLLOW TO MAKE THE**
15 **AWARD.**

16 It is undisputed that Defendant is entitled to a jury trial on Plaintiff's
17 punitive damages claim. He is entitled to a jury instruction that includes the
18 California law that mandates that the jury cannot make an award of punitive
19 damages against the Defendant if the Plaintiff fails to present any evidence of
20 Defendant's net worth and net income.

21 Based on the court's pretrial ruling of July 23, 2025, Defendant seeks leave
22 to submit to the court an additional jury instruction with the appropriate
23 California law which requires that Plaintiff present clear and convincing evidence
24 of Defendant's net income and net worth or the jury cannot make an award of
25 punitive damages against the Defendant during the trial of this case.

26 **IV CONCLUSION**

27 For the reasons discussed above, Defendant respectfully requests the Court
28 consider this Trial Brief at pretrial on July 28, 2025, and rule accordingly.

1 Dated: July 24, 2025

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By: /s/ Michael C. Murphy, Esq.

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